

## **DIVISION 3.6. VEHICLE SALES**

(Added Ch. 1246, Stats. 1970. Effective November 23, 1970.)

### **CHAPTER 1. ADVERTISING, BROCHURES, AND MANUALS**

#### ***Statement of Horsepower Rating of Engine***

9950. Any advertisement, brochure, owner's manual, or sales manual relating to any gasoline-powered motor vehicle of a type subject to registration with a manufacturer's gross vehicle weight rating of under 6,000 pounds of 1972 or later year model which contains any reference to the horsepower of the engine of the vehicle shall state only the Society of Automotive Engineers horsepower rating of such engine, as installed (net), as determined by S.A.E. Standard J1349.

Amended Ch. 1212, Stats. 1986. Effective January 1, 1987.

#### ***Violations***

9952. Any person who publishes, or causes to be published, or offers for sale or sells, or gives to another person, any advertisement, brochure, owner's manual or sales manual which violates Section 9950 is guilty of an infraction.

Amended Ch. 73, Stats. 1973. Effective May 31, 1973.

#### ***Information Regarding Tire Chains***

9953. Every manufacturer of a new motor vehicle sold in this state which, as equipped, may not be operated with tire chains shall do both of the following:

(a) Indicate that fact in the owner's manual for the vehicle or other written material provided by the manufacturer regarding the vehicle.

(b) Provide each of its franchised new motor vehicle dealers in this state with a list of the affected vehicle models on an annual basis and prior to the manufacturer's introduction of its new model year vehicles. The list shall include sufficient information, including information regarding tire sizes where necessary, to allow the selling dealer to determine when disclosure is required pursuant to Section 11713.6.

Amended Sec. 1, Ch. 452, Stats. 1995. Effective January 1, 1996.

### **CHAPTER 2. MANUFACTURER'S RESPONSIBILITY FOR SAFETY DEFECTS**

(Added Ch. 954, Stats. 1972. Effective March 7, 1973.)

#### ***Correction of Safety Defects***

9975. Every manufacturer of a motor vehicle who furnishes notification to the registered owner of the motor vehicle of any defect in the motor vehicle or motor vehicle equipment which relates to motor vehicle safety, shall, notwithstanding any limitation in any warranty relating to the motor vehicle, correct such defect without charge to the registered owner of the vehicle or, at the manufacturer's election, reimburse the registered owner for the cost of making such correction.

The manufacturer of such motor vehicle shall not be liable for the cost of such correction if the registered owner of the motor vehicle does not seek to have the correction made within 45 days after receipt of the notification or within the warranty period of the motor vehicle, whichever is longer.

Added Ch. 954, Stats. 1972. Effective March 7, 1973.

## CHAPTER 3. ENGINE MANUFACTURERS

(Added Ch. 1264, Stats. 1984. Effective January 1, 1985.)

**Engine Manufacturer: Disclosure**

9980. If the manufacturer of the engine of a new motor vehicle is different from the manufacturer of the vehicle, the vehicle shall be labeled as required by Section 9981.

For purposes of this chapter, the manufacturer of a motor vehicle engine is different from the vehicle manufacturer if a majority of parts, or most of the work of assembly, of the engine is provided by a person other than the vehicle manufacturer or a subsidiary or affiliate of the vehicle manufacturer. For purposes of this chapter, an “affiliate” is an entity that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the manufacturer of the vehicle.

Amended Sec. 156, Ch. 135, Stats. 2000. Effective January 1, 2001.

**Label Required**

9981. The manufacturer of any vehicle subject to Section 9980 shall affix a prominent label to the vehicle stating that the engine in the vehicle may have been manufactured by another manufacturer. The label shall be located on or adjacent to the window sticker identifying the manufacturer's suggested retail price for the vehicle or, if none, it shall be located on or adjacent to the window sticker identifying the equipment provided with the vehicle. This label, however, is not required if the manufacturer of the engine contained in the vehicle is disclosed in sales literature or is noted in the sales contract.

Added Ch. 1264, Stats. 1984. Effective January 1, 1985.

**Application of Chapter**

9982. This chapter applies only to new passenger vehicles and to new motortrucks with an unladen weight under 6,000 pounds, except housecars.

Added Ch. 1264, Stats. 1984. Effective January 1, 1985.

## CHAPTER 4. DISCLOSURE OF DAMAGE

(Added Ch. 1373, Stats. 1990. Effective January 1, 1991.)

**Motor Vehicles: Material Damage**

9990. For purposes of this chapter, damage sustained by a motor vehicle is material under any of the following circumstances:

(a) The damage required repairs having a value, including parts and labor calculated at the repairer's cost, exceeding 3 percent of the manufacturer's suggested retail price of the vehicle or five hundred dollars (\$500), whichever is greater. The replacement of damaged or stolen components, excluding the cost of repainting or refinishing those components, if replaced by the installation of new original manufacturer's equipment, parts, or accessories that are bolted or otherwise attached as a unit to the vehicle, including, but not limited to, the hood, bumpers, fenders, mechanical parts, instrument panels, moldings, glass, tires, wheels, and electronic instruments, shall be excluded from the damage calculation, except that any damage having a cumulative repair or replacement value which exceeds 10 percent of the manufacturer's suggested retail price of the vehicle shall be deemed material.

(b) The damage was to the frame or drive train of the motor vehicle.

(c) The damage occurred in connection with a theft of the entire vehicle.

(d) The damage was to the suspension of the vehicle requiring repairs other than wheel balancing or alignment.

Added Ch. 1373, Stats. 1990. Effective January 1, 1991.

***Material Damage: Disclosure of Repairs***

9991. Every dealer shall disclose in writing to the purchaser of a new or previously unregistered motor vehicle, prior to entering into a contract for the vehicle or, if unknown at that time, prior to delivery of the vehicle, any material damage known by the dealer to have been sustained by the vehicle and subsequently repaired.

Added Ch. 1373, Stats. 1990. Effective January 1, 1991.

***Disclosure of Unrepaired Damage***

9992. Every dealer shall disclose in writing to the purchaser of a new or previously unregistered motor vehicle, prior to entering into a contract for the vehicle or, if unknown at that time, prior to delivery of the vehicle, any damage, including, but not limited to, material damage, known by the dealer to have been sustained by the vehicle and not repaired.

Added Ch. 1373, Stats. 1990. Effective January 1, 1991.

***Dealers: Responses to Inquiries***

9993. Nothing in this chapter permits any dealer to respond to the inquiry of a purchaser in any untrue or misleading manner.

Added Ch. 1373, Stats. 1990. Effective January 1, 1991.